

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JULIAN ANTONIO BATISTA a/k/a Alberto Santiago

-v-

ORDER OF DISMISSAL FOR  
LACK OF ACTIVITY,  
ADOPTING REPORT & RECOMMENDATION  
CV 13-2862 (JS) (GRB)

C.O. JOSEPH YIP, ET AL.  
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APPEARANCES:

FOR PLAINTIFF(S):

Julian Antonio Batista, *Pro Se*  
whereabouts unknown\*

FOR DEFENDANT(S):

Jason Bassett, Esq.  
Suffolk Co. Attorney's Office  
P.O. Box 6100  
Hauppauge NY 11788

SEYBERT, DISTRICT JUDGE:

The above-captioned case was opened with a complaint on May 10, 2013.

After over one and one-half years of supervising discovery, Magistrate Judge Gary R. Brown issued a Report & Recommendation of Dismissal on Dec. 15, 2014 (docket entry [35]). Judge Brown detailed the plaintiff's failures to follow discovery orders or otherwise prosecute his case. The plaintiff was warned that the case could be dismissed as a consequence.

There has been no objection, so the Report & Recommendation is adopted in its entirety.

IT IS HEREBY ORDERED that the Motion to Dismiss (docket entry [33]) is GRANTED. The case is DISMISSED with prejudice for lack of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to enter judgment and to mark the case closed.

SO ORDERED.

/s/ JOANNA SEYBERT

JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York  
Jan. 20, 2015

\* Defense counsel has provided documentation from the New York State Corrections website indicating that the plaintiff was released to Immigration custody. He has not provided a current address.